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July 21, 1977

The Honorable Edward G. Guerrero
Minority Floor Leader
Arizona House of Representatives
House Wing, State Capitol
Phoenix, AZ 85007

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Re: 77-154 (R76-454)

Dear Representative Guerrero:

By letter dated November 10, 1976, you requested our opinion on the following question:

To comply with A.R.S. § 11-217, is it sufficient for the county boards of supervisors to publish the total amounts of funds disbursed by them, and not include in these publications the items set forth in A.R.S. § 11-623?

Based on the reasons set forth below, the answer to the question is "no."

It is true and commendable that, as you put it, "[i]n this era of rising government expenditures and the subsequent increase in tax burdens, most responsible county officials have sought ways to reduce spending." However, it is equally certain that we live in an age of profound (and, sadly, well-founded) skepticism toward government secrecy. Arizona's statutes embody the principle that no "economies" may be taken at the expense of full public disclosure and dissemination of the disbursement of public tax money.

A.R.S. § 11-217 provides that the board of supervisors of each county shall have recorded in a minute book "all proceedings had by [the board]. . . . The full minutes of proceedings shall be published not later than one month after each [board] meeting." (Emphasis added).

A.R.S. § 11-623 requires the board to have the clerk separately enter the following in its minute book:

1. The number of each [payment] demand allowed.
2. By whom presented.
3. The amount of the demand.
4. From what fund the demand is payable.

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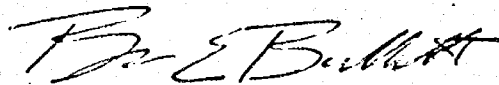
5. The number of each warrant ordered drawn by [the board] and to whom payable.
6. The amount of each warrant.
7. For what service or supplies the warrant is drawn.

A.R.S. §§ 11-217 and 11-623 are parts of a comprehensive scheme for the recording and publication of all actions taken by the boards of supervisors. Nowhere in that scheme has the Legislature manifested an intention that the boards are authorized to publish only the total amounts of funds disbursed by them. Instead, the intention of the Legislature appears to be that board action on fiscal matters is critical and should be recorded and published in considerable detail. The legislative intent is apparent in A.R.S. § 11-623, which clearly lists the extensive information that is to be recorded in the minute book. Moreover, A.R.S. § 11-241 directs the clerk of the board to "make full entries of the board's resolutions and decisions on all questions concerning the raising of money for and allowance of accounts against the county." These two statutes, A.R.S. §§ 11-623 and 11-241, demonstrate that the Legislature especially wanted the board's minutes to be complete where fund disbursement was involved.

A.R.S. § 11-217 requires that the full minutes be published; the statute does not authorize the boards to publish only portions or summaries of the recorded minutes. Additional legislation would have to be enacted to permit the boards of supervisors to publish only the total amounts of funds disbursed by them.

Please advise us if you have any further questions concerning this matter.

Sincerely,



BRUCE E. BABBITT
Attorney General

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